In Re Application of:

Catherine Lofton-Day et al.

Application No.: 10/562,089

Filed: January 28, 2008

Page 10

Attorney Docket No. EPIGEN1480

PATENT

REMARKS

Claims 1, 8-21 and 24 are pending. Claims 1 and 8 have been amended and are fully

supported by the application as filed. Claim 5 has been cancelled without prejudice. New claim 25,

fully supported by the originally filed specification and is in compliance with the Examiner's

recommendation on page 5 of the present office action. No new matter has been added. A

substitute sequence listing and corresponding amendments to the specification are also included

with this response. Applicants respectfully request entry of the amendments.

REJECTIONS UNDER 35 USC §112

Claims 1-5, 8-21 and 24 stand rejected under 35 USC §112, second paragraph as allegedly

indefinite. Applicants respectfully traverse the rejection and note it is most with respect to the

canceled claims.

Applicants have amended claim 1 to recite steps such that the preamble of the claim and the

final detection step are consistent. Accordingly, Applicants respectfully request withdrawal of the

rejection.

Claims 1, 5, 8-21 and 24 stand rejected under 35 USC §112, first paragraph as allegedly not

enabled for the claims as written. Applicants respectfully traverse the rejection and note it is moot

with respect to the canceled claims. Further, Applicants have amended claim 1 for the purpose of

expediting prosecution and believe that the amendments conform with the Examiner's suggested

claim language on page 5 of the office action. Accordingly, Applicants respectfully request

withdrawal of the rejection.

WEST\222837744.1 366582-000001

In Re Application of:

Catherine Lofton-Day et al.

Application No.: 10/562,089

Filed: January 28, 2008 Page 11

PATENT Attorney Docket No. EPIGEN1480

CONCLUSION

A substitute "Sequence Listing" was previously submitted on December 9, 2010. The substitute "Sequence Listing" shows sequences that were present in the subject application as filed and, therefore, does not add new matter.

The specification has been amended to insert Sequence Identifiers as appropriate. As such, the amendments merely address formalities and do not add new matter.

In view of the amendments and above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

No fee is deemed necessary in connection with the filing of this paper. However, the Commissioner is hereby authorized to charge any fees that are required, or credit any overpayments to Deposit Account No. 07-1896 referencing the above-identified attorney docket number.

Respectfully submitted,

Date: December 21, 2010

Lisa A. Haile J.D., Ph.D. Registration No.: 38,347

Telephone: (858) 677-1456 Facsimile: (858) 677-1465

DLA Piper LLP (US) 4365 Executive Drive, Suite 1100 San Diego, California 92121-2133 **USPTO CUSTOMER NO. 28213**